

# SENATE RECORD VOTE ANALYSIS

106th Congress  
1st Session

Vote No. 260

August 5, 1999, 12:31 p.m.  
Page S-10286 Temp. Record

## INTERIOR APPROPRIATIONS/NEA Funding Elimination

**SUBJECT:** Department of the Interior and Related Agencies Appropriations Bill for fiscal year 2000 . . . H.R. 2466.  
Gorton motion to table the Smith (of New Hampshire) amendment No. 1569.

### ACTION: MOTION TO TABLE AGREED TO, 80-16

**SYNOPSIS:** As amended by a committee substitute amendment, H.R. 2466, the Department of the Interior and Related Agencies Appropriations Bill for fiscal year 2000, will provide \$14.058 billion in new budget authority, which is \$239.9 million less than provided last year and \$1.208 billion less than requested.

**The Smith (of New Hampshire) amendment** would eliminate the proposed funding of \$99 million for the National Endowment for the Arts (NEA).

During debate, Senator Gorton moved to table the amendment. A motion to table is not debatable; however, some debate preceded the making of the motion. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

**Those favoring** the motion to table contended:

Some Senators have suggested that it is unconstitutional for the Federal Government to support the arts because the Constitution does not explicitly say that it may. We disagree with this reasoning. The Federal Government pays for many activities that are not explicitly listed in the Constitution, including art. For instance, from the very beginning of our Republic Members of Congress have used public funds to purchase art to decorate the Capitol. Other Senators have suggested that any arts funding is unwise, constitutional or not, and that funding for the NEA is particularly unwise because the NEA has funded a few offensive arts projects. Again, we disagree with our colleagues arguments. NEA funding does not lead to any type of dependency by the art world on the Federal Government. We doubt any arts organization in the country receives more than 10 percent of its budget from the NEA. However, NEA funding serves to prime private funding for the arts by giving a respected seal of approval to a funded project. When a proposed

(See other side)

YEAS (80)				NAYS (16)		NOT VOTING (4)	
Republican (37 or 70%)		Democrats (43 or 100%)		Republicans (16 or 30%)	Democrats (0 or 0%)	Republicans (2)	Democrats (2)
Abraham	Hutchison	Akaka	Johnson	Ashcroft		Allard- <sup>2</sup>	Landrieu- <sup>2</sup>
Bennett	Jeffords	Baucus	Kennedy	Brownback		Crapo- <sup>2</sup>	Rockefeller- <sup>2</sup>
Bond	Lott	Bayh	Kerrey	Bunning			
Burns	Lugar	Biden	Kerry	Fitzgerald			
Campbell	McConnell	Bingaman	Kohl	Gramm			
Chafee	Murkowski	Boxer	Lautenberg	Hagel			
Cochran	Roberts	Breaux	Leahy	Helms			
Collins	Roth	Bryan	Levin	Hutchinson			
Coverdell	Santorum	Byrd	Lieberman	Inhofe			
Craig	Shelby	Cleland	Lincoln	Kyl			
DeWine	Smith, Gordon	Conrad	Mikulski	Mack			
Domenici	Snowe	Daschle	Moynihan	McCain			
Enzi	Specter	Dodd	Murray	Nickles			
Frist	Stevens	Dorgan	Reed	Sessions			
Gorton	Thomas	Durbin	Reid	Smith, Bob (I)			
Grams	Thompson	Edwards	Robb	Thurmond			
Grassley	Voinovich	Feingold	Sarbanes				
Gregg	Warner	Feinstein	Schumer				
Hatch		Graham	Torricelli				
		Harkin	Wellstone				
		Hollings	Wyden				
		Inouye					

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

project is given an NEA grant, many private contributions for the project typically follow. Art, as President Washington stated, provides the "ornament" of life. We believe that it is an appropriate and laudable goal for the Federal Government to work to bring more beauty into people's lives. The particular criticism that is regularly leveled against the NEA is that it has funded some works that are obscene, sacrilegious, or otherwise grotesquely offensive to the beliefs and values of normal Americans. That criticism is true. Some of us do not oppose such grants because we believe that art that is often condemned in its own time is recognized as great art later; others of us think that those grants were utterly inexcusable. However, we agree that only a tiny percentage of NEA grants ever went for offensive art. We also agree that numerous reforms have been enacted in recent years that have made it much harder for such grants to be approved and that have spread grants more evenly around the country. Overall, the percentage of harm that has ever come from a few bad grants has always been far outweighed by the benefits that have come from good grants. We support the NEA. This amendment to eliminate its funding should be rejected.

**Those opposing the motion to table contended:**

Some of us oppose funding the NEA on constitutional grounds. Nothing in the Constitution says that the Federal Government has the right to appoint itself the arbiter of taste, doling out money to its officially approved artists. It is true, as our colleagues say, that the Government is involved in other activities that are not explicitly permitted in the Constitution. That fact does not mean that the NEA funding is unconstitutional, though--it means that the Federal Government engages in many unconstitutional activities.

Whether we believe it is constitutional or not, all of us who support the Smith amendment believe, as a matter of principle, that the Federal Government should not be involved in funding private works of art. The NEA always receives far more requests for money than it has money to give away. This fact leaves it with only two options: give the money at random, by lottery, or discriminate among the requests by deciding which requests it believes have the most artistic merit. All art is a form of expression; it is communication. Giving grants for some art and not others is the equivalent of having the Government involved in funding favored expression, or speech. The Government funds that expression in the hope that private citizens will be exposed to it and be affected by it. Funding obviously is not given for art in the hope that no one sees it or that it will not leave any impression on its viewers if it is seen. The NEA, in essence, exists to choose favored forms of art and to attempt to influence people with that art. We believe that is a wholly inappropriate governmental activity in a democracy.

Much of the NEA's funding still goes to support the "everybody knows its art" work of dead masters, such as exhibits of paintings by Michelangelo or performances of symphonies by Beethoven. We appreciate the beauty of classical music, sculpture, and painting, but we note that rich people disproportionately frequent art shows and symphony halls. The NEA does not fund art that is more widely enjoyed by average Americans, such as rock or country music concerts. No, people of modest means must pay for their own entertainment. The NEA only gives handouts for rich people's favorite forms of art.

Elitism is hardly the worst of the NEA's sins. A large and increasing part of the "arts" community has come to the conclusion that art that is beautiful, virtuous, and uplifting, that glorifies transcendent values, is not art at all. No, only "art" that is hateful, perverse, grotesque, macabre, bigoted against faith, and, above all, contrary or contemptuous of mainstream American values qualifies as art. The NEA has exacerbated this trend with its grants that are not given for the old classical standards. As Jan Breslauer, the art critic for the Los Angeles Times put it, the "endowment has quietly pursued policies rooted in identity politics--a kind of separatism that emphasizes racial, sexual, and cultural differences above all else." These policies, she wrote, have had "a profoundly corrosive effect on the American arts--pigeonholing artists and pressuring them to produce work that satisfies a politically correct agenda rather than their best creative instincts." Some of the works of "art" that have been given taxpayer funding would turn any decent American's stomach. Grants have been given for sado-masochistic photographs, for a picture of a Crucifix in a jar of urine, for pictures of desecrated corpses, and for similarly offensive works. Reforms that have been passed in recent years supposedly have now made such offensive grants impossible. We inform our colleagues that just this year, after all of those reforms were made, the NEA gave a grant for a picture book for children called "The Story of Colors." The grant was only rejected at the last minute after the book was printed and a reporter called the NEA with questions about it. Then, and only then, did the Chairman of the NEA overrule all of the NEA reviewers and rescind the grant. Our colleagues may find details about this book interesting. Its author is Subcomandante Marcos, a leader of the Zapatista guerillas in Mexico. His picture appears on the inside flap of the book. He is wearing a black ski mask, and he has several ammunition belts across his chest. The story for this picture book begins as follows, "The men and women were sleeping or they were making love, which is a nice way to become tired and then go to sleep." The double-page illustration for this explicit beginning of a picture book for children is of a naked woman locked in a sexual embrace with a figure that appears to be a male god (the book's story is about how gods, who are depicted as having horns and bug-eyes, brought color to the world). If our colleagues assume that the grant was rescinded because of the content of the book they are wrong--the NEA Director said that he had no problem with the content. He rescinded the grant only because he thought some of the book's royalties might end up being used to fund the guerillas in Mexico.

We know from prior votes that we will not prevail in this effort to stop funding for the NEA. A majority of Senators, no matter what the NEA does with the taxpayers money, will always support it. Many Senators would prefer that support be kept quiet, though, because of the offensive art that the NEA funds. We, however, believe that the American people have a right to know what Senators are supporting at the NEA. We have therefore offered this amendment to make Senators take a public stand.